

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at WINCHESTER

UNITED STATES OF AMERICA)	
)	Case No. 4:08-cr-25
vs.)	
)	JUDGE MATTICE
AARON SHAW)	MAGISTRATE JUDGE LEE

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court: (1) grant Defendant's motion to withdraw his not guilty plea to Count One of the nine-count indictment; (2) accept Defendant's plea of guilty to the offense charged in Count One, that is of conspiracy to distribute and possess with intent to distribute five grams or more of a mixture and substance containing cocaine base in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B); (3) adjudicate Defendant guilty of the offense charged in Count One, that is of conspiracy to distribute and possess with intent to distribute five grams or more of a mixture and substance containing cocaine base in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B); (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 59]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 59] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment

is **GRANTED**;

(2) Defendant's plea of guilty to the offense charged in Count One, that is of conspiracy to distribute and possess with intent to distribute five grams or more of a mixture and substance containing cocaine base in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B) is **ACCEPTED**;

(3) Defendant is hereby **ADJUDGED** guilty of the offense charged in Count One, that is of conspiracy to distribute and possess with intent to distribute five grams or more of a mixture and substance containing cocaine base in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B);

(4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and

(4) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **Monday, July 13, 2009 at 9:00 a.m.** before the Honorable Harry S. Mattice, Jr.

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE